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REMARKS

Claims 1-88 were pending in the subject application. By this Amendment, applicants have added new claims 89.

Support for new claim 89 may be found, *inter alia*, on page 8, line 1 to page 9, line 9; on page 5, lines 17; and on page 28, line 27 to page 29, line 3 of the subject application.

Restriction Requirement

In the March 28, 2006 Restriction Requirement, the Examiner required restriction to one of the following allegedly distinct inventions as follows:

- I. Claims 1-4, drawn to isolated nuclear proteins which bind to transcriptional regulatory DNA elements of immunoglobulin genes;
I.
- II. Claims 5-6, drawn to isolated nuclear proteins which bind to DNA sequences upstream of both mouse heavy kappa light chain gene promoters and binds to mouse heavy chain gene enhancer;
- III. Claims 7-9, and 49 drawn to isolated nucleic acids encoding nuclear proteins which bind to transcriptional regulatory DNA elements of immunoglobulin genes;
- IV. Claim 10, drawn to isolated DNA encoding a structural gene for a nuclear protein which binds in a sequence specific manner to the kappa enhancer;
- V. Claims 11-12, drawn to isolated DNA which encodes a nuclear protein which binds to DNAs in the upstream region of both

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mouse heavy and kappa light chain gene promoters and binds to DNA sequences of mouse heavy chain gene enhancer;

- VI. Claim 13, drawn to a cloned DNA sequence which encodes a protein which binds to TGGGGATTCCCCA and hybridizes to a 10kb RNA transcript from both B and non-B human cells;
- VII. Claims 14-16, drawn to an assay for detection of binding of cellular nuclear protein to DNA;
- VIII. Claims 17-23, drawn to a method of enhancing the transcription of a gene of interest whose transcription is regulated by a regulatory factor which binds DNA in the vicinity of a gene;
- IX. Claims 24-27, drawn to lymphoid cells;
- X. Claim 28, drawn to a method of screening for the expression of a sequence-specific binding protein by a recombinant expression vector;
- XI. Claims 29-35, drawn to a method of identifying recombinant expression vectors;
- XII. Claims 36-41, drawn to DNA probes and methods of detecting DNA or RNA;
- XIII. Claims 42-44, drawn to polyclonal or monoclonal antibodies and an immunoassay;
- XIV. Claim 45, drawn to phage lambda h3, ATCC 67629;
- XV. Claim 46, drawn to phage OCT-2, ATCC 67630;

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- XVI. Claim 47, drawn to a method of identifying an agonist of gene transcription;
- XVII. Claims 48, and 87-88, drawn to an agonist or antagonist of nuclear proteins which bind to transcriptional regulatory DNA elements of immunoglobulin genes;
- XVIII. Claims 50-53, drawn to a method of specifically stimulating gene transcription in a cell;
- XIX. Claims 54-56, drawn to a method of inducing expression of a gene;
- XX. Claims 57-61, drawn to a method of altering expression in a cell of a gene whose transcriptional activity is altered by binding of NF- κ B to the enhancer of said gene;
- XXI. Claims 62-63, drawn to a method of controlling expression of HIV DNA in a host cell;
- XXII. Claim 64, drawn to an isolated NF- κ B - I κ B complex;
- XXIII. Claim 65, drawn to isolated DNA encoding NF- κ B - I κ B complex;
- XXIV. Claims 66-73, drawn to a method of regulating NF- κ B mediated gene expression in a cell;
- XXV. Claims 74-77, drawn to a method of positively regulating the expression of a gene in a cell;
- XXVI. Claims 78-83, drawn to a method of negatively regulating

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the expression of a gene in a cell;

XXVII. Claims 84-85, drawn to a method of modifying the expression of at least one gene in a cell, the gene having a NF- κ B binding site; and

XXVIII. Claim 86, drawn to isolated or recombinant I κ B.

Applicants' reply

In response, applicants hereby elect, with traverse, the Group which includes new claim 89, which appears to be Group XXIV. Applicants also respectfully request examination of at least new claim 89 if no other claims are rejoined upon consideration of applicants' reasons below for traverse of the March 28, 2006 restriction requirement.

Applicants respectfully traverse the March 28, 2006 restriction requirement because it is not in compliance with 35 U.S.C. §121 which permits restriction only if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The purported inventions of Groups I-XXVIII are not independent. Under M.P.E.P. §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. The inventions of the Groups all relate to a new transcription factor, NF- κ B, which is common to all the claims. The Examiner's grouping of the claims merely separates specific examples of the use of applicants' new discovery into different groups. However, knowledge of NF- κ B and its activity is common to all of the

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examples.

Furthermore, under M.P.E.P. § 803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two criteria for a proper requirement for restriction: 1) the invention must be independent and distinct, **and** 2) there must be a serious burden on the Examiner if restriction is not required.

Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction is not required because a search of the prior art relevant to NF-κB would necessarily uncover any existing prior art relevant to each of the purported Groups. Since there is no burden on the Examiner to examine the Groups together in the subject application, the Examiner must examine the entire application on the merits.

In view of the foregoing, applicants maintains that restriction is not proper under 35 U.S.C. § 121 and respectfully requests that the Examiner reconsider and withdraw the requirement for restriction.

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Supplemental Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. §1.555, Applicants direct the Examiner's attention to the following disclosures, which are listed on Form PTO-1449 (**Exhibit A**). Copies of all of the references listed have been submitted in connection with U.S. Patent No. 6,410,516 and its in reexamination proceedings (*Ex Parte* Reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed December 2, 2005). The subject application claims benefit of the filing date of U.S. Patent No. 6,410,561 under 35 U.S.C. §120. Accordingly, copies of items 1-375 are not attached to this Supplemental Information Disclosure Statement but are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516.

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2. U.S. Patent No. 6,150,090, issued November 21, 2000, Baltimore et al.;
3. File history of U.S. Serial No. 06/817,441, filed January 9, 1986;
4. File history of U.S. Serial No. 06/946,365, filed December 24, 1986;
5. File history of U.S. Serial No. 07/155,207, filed February 12, 1988;
6. File history of U.S. Serial No. 07/162,680, filed March 1, 1988;

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10. File history of U.S. Serial No. 07/791,898, filed November 13, 1991 Abandoned;
11. File history of U.S. Serial No. 08/418,266, filed April 6, 1995;
12. File history of U.S. Serial No. 08/463,397, filed June 5, 1995;
13. File history of U.S. Serial No. 08/464,364, filed June 5, 1995;
14. File history of U.S. Serial No. 08/959,160 filed October 28, 1997;
15. File history of U.S. Serial No. 10/037,341, filed January 4, 2002;
16. File history of U.S. Serial No. 10/037,415 filed January 4, 2002;
17. WO 92/20795, 26 Nov. 1992, PCT/US92/04073, filed 14 May 1992;

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No. 08/464,364, ADL 0000874-0000921, Document 201, filed
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197. June 25, 2002 Complaint, 02 CV 11280 RWZ;
198. August 18, 2002 Declaration of Michael Karin (20 pgs),
including Tabs 1-24, 02 CV 11280 RWZ;
199. August 19, 2002 Defendants Eli Lilly & Company Memorandum
In Support Of Its Combined Motion To Dismiss Under
Fed.R.Civ.P. 12(b)(6) and Motion for Summary Judgment of
Invalidity Under 35 USC Section 102 and 112, including
Exhibits A-D, 02 CV 11280 RWZ;
200. October 14, 2002 Declaration of Charles A. Dinarello, M.D.
including Tabs A-D, 02 CV 11280 RWZ;
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203. October 16, 2002 Declaration of Dr. Thomas D. Gilmore including Exhibits A-C and D1-D24, 02 CV 11280 RWZ;
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205. November 18, 2002 Defendant's Eli Lilly & Company Reply In Support of Its Combined Motion to Dismiss Under Fed.R.Civ.R.12(b)(6) And Motion For Summary Judgment of Invalidity Under 35 USC Sections 102 & 112, 02 CV 11280 RWZ;
206. November 21, 2002 Hearing for Summary Judgment, Computer-Aided Transcript, 02 CV 11280 RWZ;
207. May 12, 2003 Memo of Decision & Order, 02 CV 11280 RWZ;
208. May 27, 2003 Eli Lilly and Company's Answer To Plaintiffs Complaint And Counter Claims, 02 CV 11280 RWZ;
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210. August 20, 2003 Plaintiffs Ariad Pharmaceutical, Inc. et al. Response to Eli Lilly and Company's First Set of Rule 33 Interrogatories (Nos. 1-4);
211. September 5, 2003 Eli Lilly & Company's Responses to Plaintiffs First Set of Interrogatories (Nos. 1-5);
212. October 6, 2003 Plaintiffs Ariad Pharmaceuticals, Inc. et al. Responses to Eli Lilly & Company's Second Set of Rule 33 Interrogatories (No. 5);
213. November 3, 2003 Tutorial Hearing, 02 CV 11280 RWZ;
214. November 3, 2003 Evidentiary Hearing before Honorable Rya W. Zobel, 02 CV 11280 RWZ;
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216. November 24, 2003 Declaration of Laurie H. Glimcher, M.D.,;
217. November 24, 2003 Declaration of Vladimir V. Drozdoff in Support of Plaintiffs Opening Brief on Claim Construction, including Tabs 1-22, 02 CV 11280 RWZ;
218. November 24, 2003 Declaration of Dr. Thomas D. Gilmore, 02 CV 11280 RWZ;
219. November 24, 2003 Defendants Eli Lilly & Company Opening Claim Construction Brief (not signed), 02 CV 11280 RWZ, including Exhibits to Eli Lilly's Opening Claim Construction Brief, inc. Exhibits A-H and I & J, 02 CV 11280 RWZ;

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- 220. November 24, 2003 unsigned Defendant Eli Lilly and Company's Opening Claim Construction Brief, Document 198-3, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;
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- 225. January 9, 2004 Supplemental Declaration of Dr. Thomas D. Gilmore, 02 CV 11280 RWZ;
- 226. January 13, 2004 Markman Transcript Hearing before the Honorable Rya W. Zobel, U.S. District Judge, 02 CV 11280 RWZ;
- 227. January 13, 2004 Markman Hearing by Plaintiff, 02 CV 11280 RWZ;
- 228. January 13, 2004 Markman Hearing, A Scientific Tutorial by Eli Lilly & Comp. Paul H. Berghoff;
- 229. February 24, 2004 Motion For Leave To File Reply Memorandum

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Document 213-1, filed 02/24/2006, in Civil Case 02 CV 11280
RWZ;

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Construction, 02 CV 11280 RWZ;
- 231. March 3, 2004 Memorandum of Decision and Order, Document
198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;
- 232. March 23, 2004 Subpoena in a Civil Case 02 CV 11280 RWZ
Albert S. Baldwin, Jr., Ph.D.;
- 233. March 24, 2004 Plaintiffs Ariad Pharmaceuticals, Inc. et
al. Supplemental Response to Eli Lilly & Company's First
Set of Rule 33 Interrogatories (Nos. 1-5);
- 234. March 24, 2004 Eli Lilly & Company's Supplemental Response
to Plaintiffs' First Set of Interrogatories (Nos. 1-5);
- 235. April 30, 2004 Plaintiffs Ariad Pharmaceuticals, Inc. et
al. Second Supplemental Response to Eli Lilly & Company's
First Set of Rule 33 Interrogatories (Nos. 1-5);
- 236. April 30, 2004 Eli Lilly & Company's Second Supplemental
Responses to Plaintiffs' First Set of Interrogatories (Nos.
1-5);
- 237. May 7, 2004 Subpoena in a Civil Case 02 CV 11280 RWZ
Chen-Ming Fan Ph.D.;
- 238. May 7, 2004 Subpoena in a Civil Case 02 CV 11280 RWZ David

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Baltimore, Ph.D.;

239. May 7, 2004 Subpoena in a Civil Case 02 CV 11280 RWZ
Harinder Singh, Ph.D.;

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Michael J. Lenardo M.D.;

242. May 12, 2004 Subpoena in a Civil Case 02 CV 11280 RWZ
Ranjan Sen Ph.D.;

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Responses to Eli Lilly & Company's Third Set of Rule 33
Interrogatories (No. 6);

244. June 2, 2004 Plaintiffs Ariad Pharmaceuticals, Inc. et al.
Third Supplemental Response to Eli Lilly & Company's First
Set of Rule 33 Interrogatories (Nos. 1-5);

245. June 7, 2004 Hearing before Honorable Rya W. Zobel, without
Jury;

246. June 28, 2004 Deposition of Jonathan H. Lebowitz in Civil
Case 02 CV 11280 RWZ including deposition Exhibits 5-11 and
13 attached with this Supplemental Information Disclosure
Statement, namely: October 28, 1987 correspondence from
Barbara Bakal Greene [LeBowitz 6/28/04 Exh 5]; May 19, 1987
Notice of Grant Award [LeBowitz 6/28/04 Exh 6]; July 26,
1988 Notice of Grant Award [LeBowitz 6/28/04 Exh 7];
December 19, 1989 Notice of Grant Award [LeBowitz 6/28/04

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Exh 8]; April 23, 1990 Notice of Grant Award [LeBowitz 6/28/04 Exh 9]; Set of hand written notes [LeBowitz 6/28/04 Exh 10]; Set of hand written notes [LeBowitz 6/28/04 Exh 11]; and Set of hand written notes [LeBowitz 6/28/04 Exh 13] (deposition Exhibits 2 and 14 are copies of the subject patent, deposition Exhibit 12 is plaintiffs' privileged log, and deposition Exhibits 1, 3 and 4 have been submitted as items 164, 2 and 167, respectively, in Patentees' August 8, 2005 Information Disclosure Statement);

247. June 30, 2004 Deposition of Harinder Singh, Ph.D. in Civil Case 02 CV 11280 RWZ including deposition Exhibits 21-25 attached with this Supplemental Information Disclosure Statement, namely: February 25, 2988 American Type Culture Collection [Singh 6/30/04 Exh 21]; Set of hand written notes [Singh 6/30/04 Exh 22]; Set of hand written notes [Singh 6/30/04 Exh 23]; Set of hand written notes [Singh 6/30/04 Exh 24] and Set of hand written notes [Singh 6/30/04 Exh 25] (deposition Exhibits 17, 18, 27, 28, 30 and 31 have been submitted as items 163, 1, 26, 27, 76 and 100, respectively in Patentees' August 8, 2005 Information Disclosure Statement);
248. August 23, 2004 Defendant's Exhibit 45 - Asserted Claims Against EVISTA;
249. August 23, 2004 Deposition of Dr. David Baltimore in Civil Case 02 CV 11280 RWZ;
250. August 23, 2004 Videotaped Deposition of Dr. David Baltimore, pgs. 1-4, and 85-87 in Civil Case 02 CV 11280 RWZ;

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251. September 30, 2004 Deposition of Dr. Phillip A. Sharp in Civil Case 02 CV 11280 RWZ including deposition Exhibits 87-89 attached with is Supplemental Information Disclosure Statement, namely: February 13, 1986 correspondence from Brian W. Kimes, Ph.D. [Sharp 9/30/04 Exh 87]; April 30, 1986 Notice of Grant Award [Sharp 9/30/04 Exh 88]; and November 3, 1986 Notice of Grant Award [Sharp 9/30/04 Exh 89] (deposition Exhibits 85 and 86 have been submitted as items 29 and 28 in Patentees' August 8, 2005 Information Disclosure Statement);
252. October 12, 2004 Deposition of Ranjan Sen in Civil Case 02 CV 11280 RWZ;
253. October 18, 2004 Eli Lilly & Company's Response to Plaintiffs' Second Set of Requests for Admission to Eli Lilly & Company (Nos. 19-23);
254. October 21, 2004 Deposition of Chen-Ming Fan in Civil Case 02 CV 11280 RWZ;
255. October 22, 2004 Deposition of Michael J. Lenardo, M.D. in Civil Case 02 CV 11280 RWZ;
256. October 26, 2004 Deposition of Albert S. Baldwin, Jr. Ph.D. in Civil Case 02 CV 11280 RWZ;
257. November 2, 2004 Eli Lilly & Company's Third Supplemental Responses to Plaintiffs First Set of Interrogatories (Nos. 1-5);
258. November 10, 2004 Deposition of Thomas P. Maniatis, Ph.D. in Civil Case 02 CV 11280 RWZ;

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- 259. November 12, 2004 Plaintiffs Ariad Pharmaceuticals, Inc. et al. Responses to Eli Lilly & company's Fourth Set of Rule 33 Interrogatories (Nos. 7-8);
- 260. December 1, 2004 Deposition of Dr. Patrick Baeuerle in Civil Case 02 CV 11280 RWZ;
- 261. December 13, 2004 Defendant's Response to Plaintiffs Fourth Set of Interrogatories (Nos. 8-18);
- 262. December 15, 2004 Plaintiffs Ariad Pharm., Inc. et al. Responses to Eli Lilly & Com.'s First Set of Requests For Admission (Nos. 1-25), 02 CV 11280 RWZ;
- 263. December 15, 2004 Eli Lilly & Company's Responses to Plaintiffs' Third Set of Requests for Admission (Nos. 24-45);
- 264. December 15, 2004 Plaintiffs Ariad Pharmaceuticals, Inc. et al. Responses to Eli Lilly & Company's Fifth Set of Rule 33 Interrogatories;
- 265. March 14, 2005 Plaintiffs' Supplemental Response to Eli Lilly's Fourth Set of Rule 33 Interrogatories (Nos. 7-8);
- 266. March 14, 2005 Eli Lilly & Company's Response to Plaintiffs Fifth Set of Interrogatories;
- 267. June 6, 2005 Order Concerning Discovery & Stay of Proceedings, 02 CV 11280 RWZ;
- 268. September 7, 2005 Expert Report of Peter Barnes, Ph.D. in

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294. Reply Expert Report of Dr. Laurie H. Glimcher dated November 11, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-18 attached with this Fourth Supplemental Information Disclosure Statement, namely: Reply Report of Laurie Glimcher; Brueckmann et al., Thromb. Haemost. (2003) 89:149-160; Brueckmann et al., Inflamm. Res. (2004) 53:528-533; Brun-Buisson et al., JAMA (1995) 274:968-974; Derhaschnig et al., Blood (2003) 102:2093-2098; Dhainaut et al., Thromb. Haemost (2003) 90:642-653; Bernard et al., Intensive Care Med. (2003) 29:894-903; Dhainaut et al., Crit. Care Med. (2004) 32[Suppl]:S194-S201; Joyce et al., The Journal of Biological Chemistry (2001) 276:11199-11203; Joyce et al., Crit. Care Med. (2002) 30[Suppl]:S288-S293; Kalil et al., Shock (2004) 21:222-229; Kinasewitz et al., Critical Care (2004) 8:R82-R90; Martin et al., N. Engl. J. Med. (2003) 348:1546-1554; Nick et al., blood (2004) 104:3878-3885; Opal et al., The Journal of Infectious Diseases (1999) 180:1584-1589; U.S. Patent Application No. US2003/0073632, Published April 17, 2003, Ciaccia et al.; XIGRIS drotrecogin alfa (activated) Drug Action 2pg.; XIGRIS drotrecogin alfo (activated) 1p.;

295. Reply Expert Report of David Latchman, DSc., Ph.D. dated November 11, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-18 attached with this Fourth Supplemental Information Disclosure Statement, namely: Adams et al., Cancer Research (1999) 59:2615-2622; Davis et al., Science (1991) 253:1268-1271; Liou and Baltimore, Current Opinion in Cell Biology (1993) 5:477-487; Schmitz et al. Trends in Cell Biology (1991) 1:130-137;

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296. Rule 26(B)(2) Reply Report of David M. Livingston, M.D. not dated (November 11, 2005) in Civil Case 02 CV 11280 RWZ including Exhibits 1-23 attached with this Fourth Supplemental Information Disclosure Statement, namely: Brueckmann et al., *Inflamm. Res.* (2004) 53:528-533; Brun-Buisson et al., *JAMA* (1995) 274:968-974; Chen et al. *Nature* (1998) 391:410-413; Deraschnig et al., *Blood* (2003) 102:2093-2098; Dhainaut et al., *thromb. Haemost* (2003) 90:642-653; Bernard et al., *Intensive Care Med.* (2003) 29:894-903; Dhainaut et al., *Crit. Care Med.* (2004) 32[Suppl]:S194-S201; Joyce et al., *The Journal of Biological Chemistry* (2001) 276:11199-11203; Joyce and Grinnell, *Crit. Care Med.* (2002) 30[Suppl]:S288-S293; Kalil et al. *Shock* (2004) 21:222-229; Kinasewitz et al., *Critical Care* (2004) 8:R82-R90; Marino et al., *Molecular and Cellular Endocrinology* (2001) 182:19-26; Martin et al., *N. Engl. J. Med.* (2003) 348:1546-1554; Müller and Harrison, *FEBS Letters* (1995) 369:113-117; Nick et al., *Blood* (2004) 104:3878-3885; Opal et al., *The Journal of Infectious Diseases* (1999) 180:1584-1589; Reifel-Miller et al., *The Journal of Biological Chemistry* (1994) 269:23861-23864; Control No. 05-A-1610-ASBMR; U.S. Patent Application No. US2003/0073632, Published April 17, 2003, Ciaccia et al.; U.S. Patent No. 5,393,763, issued February 28, 1995, Black et al.; U.S. Patent No. 6,545,027, issued April 8, 2003, Berg et al.; XIGRIS drotrecogin alfa (activated) Drug Action 2pg.; XIGRIS drotrecogin alfa (activated) Emerging Understanding 1pg.;
297. Reply Expert Report of Stavros C. Manolagas, M.D., Ph.D. Regarding Invalidity of the Asserted Claims dated November 11, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-11 attached with this Fourth Supplemental Information

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298. Reply Expert Report of Dr. Stephen Prescott dated November 11, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-25 attached with this Fourth Supplemental Information Disclosure Statement, namely: Reply Report of Stephen Prescott; Blum et al., The American Journal of Cardiology (2000) 86:892-895; Compston, J.E., Physiological Reviews (2001) 81:419-447; Emerick et al., The Pharmacology and Toxicology of Proteins (1987) pgs. 351-367; Further Expert Report of Dr. Dina Stolman dated October 11, 2002; Declaration of Dina Stolman, M.D., M.S.P.H., dated December 18, 2002; Declaration of O. Todd Dickinson dated December 19, 2002; Declaration of Sau-Chi Betty Yan dated December 19, 2002, Declaration of William Macias, M.D., Ph.D., December 19, 2002; Gianni et al., J. Clin. Endocrinol. Metab. (2004) 89:6097-6099; Helvering et al., Molecular Pharmacology (2005) 68:1225-1238; Stein and Yang, Molecular and Cellular Biology (1995) 15:4971-4979; Taranta et al., Bone (2002) 30:368-376; Taylor et la., J. Clin. Invest.

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299. Reply Expert Report of Dr. Jeffrey Ravetch dated November 11, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-21 attached with this Fourth Supplemental Information Disclosure Statement, namely: Reply Report of Jeffrey Ravetch; Blum et al., The American Journal of Cardiology (2000) 86:892-895; Compston, J.E., Physiological Reviews (2001) 81:419-447; Further Expert Report of Dr. Dina Stolman dated October 11, 2002; Declaration of Dina Stolman, M.D., M.S.P.H., dated December 18, 2002; Declaration of O. Todd Dickinson, dated December 19, 2002; Declaration of Sau-Chi Betty Yan, dated December 19, 2002; Declaration of William Macias, M.D., Ph.D., dated December 19, 2002; Gianni et al., J. Clin. Endocrinol. Metab. (2004) 89:6097-6099; Helvering et al., Molecular Pharmacology (2005) 68:1225-1238; Taranta et al., Bone (2002) 30:368-376; Taylor et al., J. Clin. Invest. (1987) 79:918-925; U.S. Patent No. 5,009,889, issued April 23, 1991, Taylor, Jr. et al.; U.S. Patent No. 5,393,763, issued February 28,

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- 300. November 11, 2005 Reply Expert Report of Dr. Jeffrey Ravetch, pgs. 1-11, in Civil Case 02 CV 11280 RWZ;
- 301. November 11, 2005 Reply Expert Report of Dr. Laurie H. Glimcher, pgs. 1-13, in Civil Case 02 CV 11280 RWZ;
- 302. November 11, 2005 Reply Expert Report of David Latchman, DSc., Ph.D., Document 198, filed 02/03/2006, pgs. 1-58, in Civil Case 02 CV 11280 RWZ;
- 303. November 18, 2005 Condensed Deposition of Carolyn Smith in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-11 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Carolyn Louise Smith, Ph.D., ADL Bates Nos. 0037187-0037205 [DDX 300 11/18/05]; September 8, 2005 Expert Report of Dr. Carolyn L. Smith Restricted Confidential [DDX 301 11/18/05]; November 11, 2005 Declaration of Carolyn Smith [DDX 302 11/18/05]; Laboratory notebook of Dr. Carolyn Smith, Bates Nos. CLS 00001-00295 Confidential Information Under Protective Order [DDX 303 11/118/05]; Cavarretta, et al., Molecular Endocrinology (2002), 16(2):253-270 [DDX 304 11/18/05]; Coleman, et al., The Journal of Biological

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304. November 21, 2005 Plaintiffs' Supplemental Responses To Eli Lilly & Co.'s First, Second, Third, and Fourth Sets of Interrogatories (Nos. 2, 3, 6-8), in Civil Case 02 CV 11280 RWZ;
305. November 22, 2005 Condensed Deposition of Stephen Prescott in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-29 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum vitae of Stephen Michael Prescott [DDX 312]; October 21, 2005 Expert Report of Dr. Stephen Prescott [DDX 313]; (the Reply Expert Report of Dr. Stephen Prescott [DDX314] is being submitted under separate cover); November 11, 2005 Reply Expert Report of Stavros C. Manolagas, M.D., Ph.D. Regarding Invalidity of the Asserted Claims [DDX 315]; U.S. Patent No. 6,410,516 B1, issued June 25, 2002, Baltimore et al. [DDX 316]; Tsoukas, Science, (2004), 224:1438-1440 [DDX 317]; Manolagas, et al., Journal of Clinical Endocrinology and Metabolism, (1986), 63(2):394-400 [DX318]; Lemire et al., The Journal of Immunology, (1985), 134(5):3032-3035 [DX319]; Lemire et al., Rapid Publication, (1984), 74:657-

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306. November 30, 2005 Condensed Deposition of Jeffrey V. Ravetch in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-11 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum vitae of Jeffrey V. Ravetch [342 11/30/05]; October 21, 2005 Expert Report of Jeffrey V. Ravetch, M.D., Ph.D. [343

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307. December 9, 2005 Condensed Deposition of George Stark in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-20 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum vitae of George R. Stark, Ph.D. [DDX 356 12/9/05]; October 21, 2005 Rule 26(A)(2) Rebuttal Report Of George R. Stark, Ph.D. [DDX357 12/9/05]; September 9, 2005 Expert Report of David Latchman, DSc., Ph.D. [DDX358 12/9/05]; November 11, 2005 Reply Expert Report Of David Latchman, DSc., Ph.D. [DDX359 12/9/05]; September 9, 2005 Expert Report of Peter Barnes, Ph.D. [DDX360 12/9/05]; File History of U.S. Serial No. 07/341,436, filed April 21, 1989 [DDX370 12/9/05]; Horuk, R., Journal of Immunological Methods, (1989), 119:255-258 [DDX371 12/9/05]; Scott and Smith, Science, (1990), 249:386-390 [DDX372 12/9/05]; File History of U.S. Serial No. 07/280,173. Filed 12/05/88 [DDX373 12/9/05]; Khaled et al., Clinical Immunology and Immunopathology, (1998), 56:170-179 [DDX374 12/9/05]; Tomita et al., J. Hypertens, (1998), 16:993-1000 [DDX375 12/9/05]; Du et al., Molecular

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308. December 9, 2005 Deposition of Dr. George Stark, Document 198, filed 02/03/2006, pgs. 1-5, 128-129, 134-135, 147-148 and 277, Document 198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

309. December 12, 2005 Condensed Deposition of Jesus Egido in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-8 attached with this Third Supplemental Information Disclosure Statement, namely: Pasaje de los Aucianos, 24, 28034 Madrid [Egido 1 12/12/05]; Abbreviated Curriculum Vitae of Jesus Egido MD [Egido 2 12/12/05]; September 9, 2005 Expert Report-Dr. Jesus Egido [Egido 3 12/12/05]; Binder of references for J. Edigo which includes: St. Leger et al., The Lancet, (1979), 1017-1020; Manna et al., The Journal of Immunology (2000), 164:6509-6519; Holmes-McNary and Baldwin Jr., Cancer Research (2000), 60:3477-3483; Blanco-Colio, Circulation., (2000), 102:1020-1026; Department of Health & Human Services Public Health Service, v i c e ,

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310. December 13, 2005 Confidential Deposition of Peter Barnes pgs. 1, 111-125 and 133-136, in Civil Case 02 CV 11280 RWZ;
311. December 13, 2005 Confidential Deposition of Peter Barnes, pp. 1-2, 48-49, 181-182 in Civil Case 02 CV 11280 RWZ;
312. December 14, 2005 Condensed Deposition of David Latchman in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-

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313. December 14, 2005 Deposition of David Latchman, pp. 1-3, 64-65, 174 & 275, Document 198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

314. December 16, 2005 Condensed Deposition of Laurie H. Glimcher in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-13 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Laurie H. Glimcher [DDX 385 12/16/05]; Glick and Opal, Review Article Drugs, (2004), 837-859 [DDX388 12/16/05 & Opal 105]; Opal and Huber, Critical Care, (2002), 6:125-136 [DDX389 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX390 12/16/05]; Joyce and Grinnell, Crit. Care Med, (2002), 30:S288-S293 [DDX391 12/16/05]; Brun-Buisson et al., JAMA, (1995), 274:968-974 [DDX392 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX393 12/16/05];

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315. December 17, 2005 Condensed Deposition of Brendan F. Boyce Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-12 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Brendan Franceis Boyce [DDX 400 12/17/05]; Gianni et al., J. Clin. Endocrinol Metab., (2004), 89:6097-6099 [DDX403 12/17/05]; Blum, et al., The American Journal of Cardiology Brief Reports, (2000), 86:892-895 [DDX404 12/17/05]; Walsh et al., The American Journal of Cardiology, (2001), 88:825-828 [DDX405 12/17/05]; Jimi et al., Nature Medicine (2004), 10:617-624 [DDX406 12/17/05]; Compston, J.E., Physiological Reviews, (2001), 31:419-447 [DDX407 12/17/05]; Chadwick et al., PNAS, (2005), 102:2543-2548 [DDX408 12/17/05]; Harnish, et al., Endocrinology, (2000), 141:3403-3411 [DDX409 12/17/05]; U.S Patent No. 6,545,027 B1, issued April 8, 2003, Berg et al. [DDX410 12/17/05]; Reifel-Miller et al., The Journal of Biological Chemistry, (1994), 269:23861-23864 [DDX411 12/17/05]; Chen et al., Nature, (1998), 391:410-413 [DDX415 12/17/05]; Olivier, et al., Presentation Number: SU104 [DDX414 12/17/05];

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317. December 20, 2005 Videotaped Deposition of Thomas R. Kadesch, pgs. 1-4, 138, 196, 269, 297-299, 307-308 and 332, Document 198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

318. December 22, 2005 Condensed Transcript of Videotaped Deposition of Stavros C. Manolagas in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1, and 3-19 attached with this Supplemental Information Disclosure Statement, namely: September 9, 2005 Expert Report of Stavros C. Manolagas [Manolagas 12/22/05 Exh 1]; November 11, 2005 Reply Expert Report of Stavros C. Manolagas, M.D. Ph.D. Regarding Invalidity of the Asserted Claims [Manolagas 12/22/05 Exh 3]; Declaration of Stavros Manolagas, M.D. Ph.D. [Manolagas 12/22/05 Exh 4]; Curriculum Vitae of Stavros C. Manolagas, M.D., Ph.D. last

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updated 12/19/05 [Manolagas 12/22/05 Exh 5]; Kousteni et al., The Journal of Clinical Investigation (June 2003) Vol. 111, No. 11, pp. 1651-1664 [Manolagas 12/22/05 Exh 6]; Physicians' Desk Reference, 39 Ed. (1985) p. 1811-1813 [Manolagas 12/22/05 Exh 7]; Emmel et al., Science (1989) 246:1617-1620 [Manolagas 12/22/05 Exh 8]; Brini et al., Eur. Cytokine Net. (Aug.-Sept. 1990) Vol. 1, No. 3, pp. 131-139 [Manolagas 12/22/05 Exh 9]; Schmidt et al., Journal of Virology (Aug. 1990) Vol. 64, No. 8, pp. 4037-4041 [Manolagas 12/22/05 Exh 10]; Krönke et al., Proc. Natl. Acad. Sci. USA (Aug. 1984) 81:5214-5218 [Manolagas 12/22/05 Exh 11]; Adams and Teegarden, J. Nutr. (2004) 134:2948-2952 [Manolagas 12/22/05 Exh 12]; Ho, S. et al., Clinical Immunology and Immunopathology (1996) Vol. 80, No. 3, pp. S40-S45 [Manolagas 12/22/05 Exh 13]; Johansen et al., J. Invest Dermatol (2005) 124:1284-1292 [Manolagas 12/22/05 Exh 14]; File History of U.S. Serial No. 08/474,936, filed June 7, 1995 [Manolagas 12/22/05 Exh 15]; Harnish et al., Endocrinology (2000) Vol. 141, No. 9, pp. 3403-3411 [Manolagas 12/22/05 Exh 16]; Ghisletti et al., Molecular And Cellular Biology (2005) Vol. 25, No. 8, pp. 2957-2968 [Manolagas 12/22/05 Exh 17]; U.S. Patent No. 6,410,516 B1, issued June 25, 2002 Baltimore et al. [Manolagas 12/22/05 Exh 18]; November 11, 2005 Declaration of Carolyn Smith [Manolagas 12/22/05 Exh 19];

319. December 22, 2005 Videotaped and Oral Deposition of Stavros C. Manolagas, pgs. 1-3, and 208-209, Document 198, filed 02/03/2006 in Civil Case 02 CV 11280 RWZ;
320. December 23, 2005 Condensed Deposition of David M. Livingston Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-6 attached with this Third Supplemental

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Information Disclosure Statement, namely: Curriculum Vitae of David Morse Livingston [Livingston 450 12/23/05]; Bernard et al., The New England Journal of Medicine, (2001), 344:699-709 [Livingston 453 12/23/05]; Gianni et al., J. Clin. Endocrinol. Metab., (2004), 89:6097-6099 [Livingston 454 12/23/05]; Taranta, et al., Bone, (2002) 30-368-376 [Livingston 455 12/23/05]; Blum, et al, The American Journal of Cardiology, (2000), 86:892-895 [Livingston 456 12/23/05]; Smith, C.L., Supplement ot Menopause Management, (March/April 2005), ppg. 40-43 [Livingston 465 12/23/05];

321. December 23, 2005 Declaration of Lawrence R. Robins In Support Of Defendant Eli Lilly and Company's Motion For Summary Judgment of Invalidity Under 35 U.S.C. §102 including Exhibits 1-13 in Civil Case 02 CV 11280 RWZ;
322. December 23, 2005 Declaration of Lawrence R. Robins in Support of Defendant Eli Lilly and Company's Motion For Summary Judgment of Invalidity Under 35 U.S.C. §§101 and 112, First Paragraph, including Exhibits A-N in Civil Case 02 CV 11280 RWZ;
323. December 23, 2005 Defendant Eli Lilly and Company's Motion For Summary Judgment of Invalidity Under 35 U.S.C. §§ 101 and 112, First Paragraph in Civil Case 02 CV 11280 RWZ;
324. December 23, 2005 Defendant Eli Lilly and Company's Memorandum In Support of Its Motion For Summary Judgment of Invalidity Under 35 U.S.C. §102 in Civil Case 02 CV 11280 RWZ;
325. December 23, 2005 Defendant Eli Lilly and Company's Motion

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For Summary Judgment of Invalidity Under 35 U.S.C. §102 in Civil Case 02 CV 11280 RWZ;

326. December 23, 2005 Defendant Eli Lilly and Company's Rule 56.1 Statement In Support of Its Motion For Summary Judgment of Invalidity Under 35 U.S.C. §102 in Civil Case 02 CV 11280 RWZ;

327. December 23, 2005 Memorandum In Support of Defendant Eli Lilly And Company's Motion For Summary Judgment of Invalidity Under 35 U.S.C. §§101 and 112, First Paragraph filed under seal pursuant to parties' stipulated protective order in Civil Case 02 CV 11280 RWZ;

328. December 23, 2005 Defendant's Rule 56.1 Statement In Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§101 and 112, First Paragraph in Civil Case 02 CV 11280 RWZ;

329. January 17, 2006 Eli Lilly and Company's Renewed Motion To Stay This Litigation Pending Reexamination of the '516 Patent-In Suit in Civil Case 02 CV 11280 RWZ;

330. January 17, 2006 Memorandum In Support of Eli Lilly and Company's Renewed Motion To Stay This Litigation Pending Reexamination of the '516 Patent-In Suit including Exhibits A-T in Civil Case 02 CV 11280 RWZ;

331. January 25, 2006 Condensed Deposition of Robert Lindsay Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-14 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Robert Lindsay [Lindsay 1 1/25/06]; March 3, 2004 Memorandum of

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Decision And Order [Lindsay 4 1/25/06]; December 21, 2005 Eli Lilly and Company To Pay U.S. \$36 Million Relating To Off-Label Promotion [Lindsay 5 1/25/06]; Cosman and Lindsay, Endocrine Reviews, (1999), 20:418-434 [Lindsay 6 1/25/06]; Kousteni et al., J. Clin. Invest. (2003), 111:1651-1664 [Lindsay 7 1/25/06]; Helvering et al., Molecular Pharmacology, (2005), 63:1225-1238 [Lindsay 8 1/25/06]; 71.-77. Of deposition [Lindsay 9 1/25/06]; Walsh et al., the American Journal of Cardiology, (2001), 88:825-828 [Lindsay 10 1/25/06]; Gianni, et al., J. Clin. Endocrinol. Metab., (2004), 89:6097-6099 [Lindsay 11 1/25/06]; Blum et al., The American Journal of Cardiology, (2000), 86:892-895 [Lindsay 12 1/25/06]; U.S. Patent NO. 4,418,068, issued November 29, 1983, Jones [Lindsay 13 1/25/06]; Bone and Health and Osteoporosis: A Report of the Surgeon General 2004, Executive Summary <http://www.surgeongeneral.gov/library/bonehealth/Executive_summary.html> [Lindsay 14 1/25/06]; Bone Health and Osteoporosis Chapter 9 pp219-253 [Lindsay 15 1/25/06]; U.S. Patent No. 6,545,027 B1, issued April 8, 2003, Berg et al. [Lindsay 16 1/25/06];

332. January 31, 2006 Declaration of Peter Barlett Bressler, M.D., Document 198, filed 02/03/2006 in Civil Case 02 CV 11280 RWZ;

333. January 31, 2006 Plaintiffs' Memorandum In Opposition To Eli Lilly and Company's Renewed Motion To Stay This Litigation Pending Reexamination Of the '516 Patent-In Suit including Exhibits 1-7 and 8A-8I, Document 194, filed 01/31/2006, in Civil Case 02 CV 11280 RWZ;

334. February 1, 2006 First Declaration of Jeffrey V. Ravetch,

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MD, Ph.D., Document 198, filed 02/03/2006, in Civil Case 02
CV 11280 RWZ;

335. February 1, 2006 Second Declaration of Jeffrey Ravetch
M.D., Ph.D., Document 201, filed 02/03/2006, in Civil Case
02 CV 11280 RWZ;

336. February 3, 2006 Concise Statement of Material Facts As to
Which There Is A Genuine Issue In Support Of Plaintiff's
Opposition To Lilly's Motion For Summary Judgment of
Invalidity Under 35 U.S.C. §102, Document 202, filed
02/03/2006, in Civil Case 02 CV 11280 RWZ;

337. February 3, 2006 Declaration of Vladimir V. Drozdoff In
Support of Plaintiffs' Opposition to Defendant Eli Lilly &
Co.'s Motion For Summary Judgment of Invalidity Under 35
U.S.C. section 102 and Related Documents, Document 203,
filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

338. February 3, 2006 Declaration of Vladimir V. Drozdoff in
Support of Plaintiffs' Opposition to Defendant Eli Lilly &
Co.'s Motion For Summary Judgment of Invalidity Under 35
U.S.C. Section 101 and 112, First Paragraph, Document 200,
filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

339. February 3, 2006 Plaintiffs' Opposition to Defendant Eli
Lilly & Co.'s Motion For Summary Judgment of Invalidity
Under 35 U.S.C. §§101 and 112, First Paragraph filed under
seal, Document 198-1, filed 02/03/2006, in Civil Case 02 CV
11280 RWZ;

340. February 4, 2006 Plaintiffs' Memorandum In Opposition To
Defendant Eli Lilly & Co.'s Motion For Summary Judgment of

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Invalidity Under 35 U.S.C. Section 102 filed under seal,
Document 201-1, filed 02/03/2006, in Civil Case 02 CV 11280
RWZ;

341. February 24, 2006 Declaration of Leslie A. McDonell in
Support of Defendant Eli Lilly and Company's Reply
Memorandum In Support of Its Motion For Summary Judgment of
Invalidity Under 35 U.S.C. §102, Document 214-1, filed
02/24/2006, in Civil Case 02 CV 11280 RWZ;

342. February 24, 2006 Declaration of Leslie A. McDonell in
Support of Defendant Eli Lilly and Company's Reply
Memorandum In Support of Its Motion For Summary Judgment of
Invalidity Under 35 U.S.C. §§101 and 112, First Paragraph,
Document 211, filed 02/24/2006, in Civil Case 02 CV 11280
RWZ;

343. February 24, 2006 Motion For Leave To File Reply Memorandum
In Support Of Defendant Eli Lilly and Company's Motion For
Summary Judgment Of Invalidity Under 35 U.S.C. §§101 and
112, First Paragraph, Document 210-1, filed 02/24/2006, in
Civil Case 02 CV 11280 RWZ;

344. February 24, 2006 Reply Memorandum In Support of
Defendant's Motion For Summary Judgment Of Invalidity Under
35 U.S.C. §102, Document 213-2, filed 02/24/2006, in Civil
Case 02 CV 11280 RWZ;

345. February 24, 2006 Reply Memorandum In Support of
Defendant's Motion for Summary Judgment of Invalidity Under
35 U.S.C. §§101 and 112, First Paragraph, Document 210-2,
filed 02/24/2006, in Civil Case 02 CV 11280 RWZ;

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346. March 3, 2006 Plaintiffs' Opposition To Defendant Eli Lilly & Co.'s Motion For Leave To File A Reply Brief In Support of its Summary Judgment of Invalidity Under 35 U.S.C. Section 102 including Exhibit 1, Document 218, filed 03/03/2006, in Civil Case 02 CV 11280 RWZ;
347. March 3, 2006 Concise Statement Of Material Facts As To Which There Is A Genuine Issue In Support of Plaintiffs Opposition to Defendant Eli Lilly & Company's Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§101 and 112, First Paragraph, Document 199, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;
348. March 3, 2006 Plaintiffs Opposition to Defendant Eli Lilly & Company's Motion For Leave To File Reply Memorandum In Support Of Eli Lilly and Company's Motion for Summary judgment of Invalidity under 35 U.S.C. §§101 and 112, First Paragraph, Document 217, filed 03/03/2006, in Civil Case 02 CV 11280 RWZ;
349. March 12, 2006 Condensed Transcript of Videotaped Deposition of Stavros Manolagas, M.D., Ph.D. Vol. II in Civil Case 02 CV 11280 RWZ including deposition Exhibits 22-33 attached with this Supplemental Information Disclosure Statement, namely: Helvering et al., Pharmacol (2005) Vol. 68, No. 5, pp. 1225-1238 [Manolagas 03/12/06 Exh 22]; Taranta et al., Bone (2002) Vol. 30, No. 2, pp. 368-376 [Manolagas 03/12/06 Exh 23]; Expert Report of Jeffrey V. Ravetch, M.D., Ph.D. [Manolagas 03/12/06 Exh 24]; Yu, X-P. et al., Proc. Natl. Acad. Sci, USA (1995) 92:10990-10994 [Manolagas 03/12/06 Exh 25]; Manolagas et al., J. Clin. Endocrinal Metab (1986) Vol. 63, No. 2, pp. 394-400 [Manolagas 03/12/06 Exh 26]; Tsoukas, Science

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(1984) 224:1438-1440 [Manolagas 03/12/06 Exh 27]; Galdiero et al., Microbiology (2001) 147:2697-2704 [Manolagas 03/12/06 Exh 28]; Yang et al., Nature (1998) 395:284-288 [Manolagas 03/12/06 Exh 29]; Prager, Eur. J. Haematology (1997) 59:162-170 [Manolagas 03/12/06 Exh 30]; Lamon-Fava et al., Arterioscler Thromb Vasc Biol. (1999) 19:2960-2965 [Manolagas 03/12/06 Exh 31]; Marino et al., Molecular and Cellular Endocrinology (2001) 182:19-26 [Manolagas 03/12/06 Exh 32]; Reifel-Miller et al., The Journal of Biological Chemistry (1994) 269:23861-23864 [Manolagas 03/12/06 Exh 33];

- 350. Trial Transcript - April 10, 2006 Jury Trial Day 1, First Session pgs. 1-61, Word Index pgs. 1-10, Second Session pgs. 62-115, Word Index pgs. 1-12, in Civil Case 02 CV 11280 RWZ;
- 351. Trial Transcript - April 11, 2006 Jury Trial Day 2, First Session pgs. 1-66, Word Index 1-13, Second Session pgs. 66-131, Word Index 1-13, in Civil Case 02 CV 11280 RWZ;
- 352. Trial Transcript - April 12, 2006 Jury Trial Day 3, First Session pgs. 1-67, Word Index 1-12, Second Session pgs. 68-125, Word Index 1-10, in Civil Case 02 CV 11280 RWZ;
- 353. Trial Transcript - April 13, 2006 Jury Trial Day 4, First Session pgs. 1-71, Word Index 1-12, Second Session pgs. 72-1128, Word Index 1-10, in Civil Case 02 CV 11280 RWZ;
- 354. Trial Transcript - April 14, 2006 Jury Trial Day 5, First Session pgs. 1-71, Word Index 1-13, Second Session pgs. 72-122, Word Index 1-10, in Civil Case 02 CV 11280 RWZ;

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- 355. Trial Transcript - April 18, 2006 Jury Trial Day 6, First Session pgs. 1-91, Word Index 1-16, Second Session pgs. 92-171, Word Index 1-16, in Civil Case 02 CV 11280 RWZ;
- 356. Trial Transcript - April 19, 2006 Jury Trial Day 7, First Session pgs. 1-106, Word Index 1-18, Second Session pgs. 107-174, Word Index 1-14, in Civil Case 02 CV 11280 RWZ;
- 357. Trial Transcript - April 20, 2006 Jury Trial Day 8, First Session pgs. 1-89, Word Index 1-14, in Civil Case 02 CV 11280 RWZ;
- 358. Trial Transcript - April 20, 2006 Jury Trial Day 8, Second Session pgs. 90-157, in Civil Case 02 CV 11280 RWZ;
- 359. April 20, 2006 Complaint For Declaratory Judgment of Patent Invalidity And Non-Infringement, *Amgen, Inc. et al. V. Ariad Pharmaceuticals, Inc.*, Civil Case 06 CV 00259- KAJ;
- 360. Trial Transcript - April 21, 2006 Jury Trial Day 9, First and Second Sessions pgs. 1-143, in Civil Case 02 CV 11280 RWZ;
- 361. Trial Transcript - April 24, 2006 Jury Trial Day 10, First and Second Session pgs. 1-152 and Word Index pgs. 1-22, in Civil Case 02 CV 11280 RWZ;
- 362. Trial Transcript - April 25, 2006 Jury Trial Day 11, First and Second Session pgs. 1-158 and Word Index pgs. 1-25, in Civil Case 02 CV 11280 RWZ;
- 363. Trial Transcript - April 26, 2006 Jury Trial Day 12, First and Second Session pgs. 1-156 and Word Index pgs. 1-14,

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<URL:<http://www.nutrisana.com/html/Monograph-Curcuma.html>>;

373. Bayer, Questions and Facts, {online}, [retrieved on-unknown];

374. Undated Declaration of Stavros Manolagas, M.D. Ph.D. in Reexamination Control No. 90/007,503, Document 201, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ; and

375. Claims from U.S. Serial No. 07/341,438, filed April 21, 1989, in Civil Case 02 CV 11280 RWZ.


No fee, other than the enclosed \$1,205.00 for a five-month extension of time and excess claim fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

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Reg. No. 28,678
Gary J. Gershik
Reg. No. 39,992